

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADVANCED ANALYTICS, INC., :

Plaintiff, :

-against- :

CITIGROUP GLOBAL MARKETS, INC., :
et al., :

Defendants. :

04 Civ. 3531 (LTS) (HBP)

MEMORANDUM OPINION
AND ORDER

94812

PITMAN, United States Magistrate Judge:

The motion of Meredith Cohen Greenfogel & Skirnick,
P.C. and Hagens Berman Sobol Shapiro LLP to withdraw as counsel
for plaintiff is granted without opposition.

It is beyond question that a corporation, such as
plaintiff, can appear in an action only through a licensed member
of the bar and cannot proceed pro se. Rowland v. California
Men's Colony, 506 U.S. 194, 201-02 (1993); Powerserve Int'l, Inc.
v. Lavi, 239 F.3d 508, 514 (2d Cir. 2001); Jacobs v. Patent
Enforcement Fund, Inc., 230 F.3d 565, 568 (2d Cir. 2000); Eagle
Assoc. v. Bank of Montreal, 926 F.2d 1305, 1306-08 (2d Cir.
1991); S.E.C. v. Research Automation Corp., 521 F.2d 585, 589 (2d
Cir. 1975); RLS Assoc., LLC v. United Bank of Kuwait PLC, 01 Civ.
1290 (CSH), 2002 WL 122927 at *5 (S.D.N.Y. Jan. 29, 2002);
Derekoylu Tekstil, Ltd. v. Oxford Indus., Inc., 99 Civ. 9685
(KMW) (JCF), 2001 WL 484017 at *1 (S.D.N.Y. Apr. 19, 2001) (Report

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& Recommendation); Comedy III Prods., Inc. v. Class Publ'ns, Inc., 95 Civ. 5552 (SS), 1996 WL 219636 at *1 n.1 (S.D.N.Y. May 1, 1996).¹ Thus, plaintiff must retain new counsel if it wishes to proceed with this action.

Accordingly, all proceedings in this matter are stayed for thirty (30) days to permit plaintiff to secure new counsel. If plaintiff fails to secure new counsel within that period of time, or fails to show good cause why the time period should be extended, I shall issue a report and recommendation recommending the a default judgment be entered dismissing plaintiff's complaint. See Derekoylu Tekstil, Ltd. v. Oxford Indus., Inc., supra, 2001 WL 484017 at *1.

Outgoing counsel are directed to provide a copy of this Order to Advanced Analytics, Inc. and to explain the foregoing paragraph to it.

Because they disclose attorney-client communications unrelated to the merits of the action, the Clerk of the Court is

¹I also note that the prohibition against a corporation's appearing pro se can not be evaded through the assignment of the corporation's claim to an individual. Pridgen v. Andresen, 113 F.3d 391, 393 (2d Cir. 1997); Jones v. Niagara Frontier Transp. Auth., 722 F.2d 20, 23 (2d Cir. 1983); Lutin v. New Jersey Steel Corp., 93 Civ. 6612 (AGS), 1996 WL 636037 at *12 (S.D.N.Y. Nov. 1, 1996); Lupowitz, Inc. v. Eclipse Holdings, Inc., 94 Civ. 2916 (DC), 1996 WL 285363 at *1 (S.D.N.Y. May 30, 1996), aff'd mem., 108 F.3d 1370 (2d Cir. 1997); Ultracashmere House, Ltd. v. Nordstrom, Inc., 123 F.R.D. 435, 436 (S.D.N.Y. 1988).

directed to file the motion and all papers submitted in support of the motion under seal.

Dated: New York, New York
February 13, 2006

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

Sean R. Matt, Esq.
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue
Suite 2900
Seattle, Washington, 98101

Robert A. Skirnick, Esq.
Meredith Cohen Greenfogel & Skirnick, P.C.
One Liberty Plaza
New York, New York 10036

Lawrence Friedman, Esq.
Christopher Moore, Esq.
Cleary Gottlieb Steen & Hamilton LLP
One Liberty Plaza
New York, New York 10006-1470

Copy mailed to:

Dr. Xiaolu Wang
Advanced Analytics, Inc.
1050 George Street
New Brunswick, New Jersey 08901